

REMARKS

In the above-identified Office Action, claims 1-3, 5, 7, 8, and 20 were rejected under 35 U.S.C §251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based. Claims 1, 3, 5, 8, 9, and 12-17 have been amended using the claims from the issued patent. Additionally, new claim 20, the same claim presented in earlier responses, has been added. Various spelling corrections and corrections regarding matters of form have been made in the claims, pursuant to the Office Action. Claims 1 and 20 have been amended to include all of the limitations of original claim 5, except that "mesh" has been deleted. Claim 1 has been amended to remove all references to the term "mesh". The phrase "closure member of the compartment" in claim 13 and the phrase "two sides wherein" in claim 14 were inadvertently deleted from the claims and are now restored. The recitations of cancelled claims 4 and 6 are now part of claim 1, which was indicated in a previous Office Action as rendering claim 1 allowable. Thus, claims 1-3, 5, 7-8 and 20 are now in condition for allowance. Claims 9, 10, and 12-19 were indicated in the Office Action as allowed. Claim 20 has been underlined in its entirety but it is not clear why the Office Action requires that Claims 5 and 7 must be totally lined through as only claims 4, 6 and 11 were canceled, without prejudice.


CONCLUSION

With the submission of the foregoing claim amendments and arguments, Applicants believe that all of the claims are now in condition for allowance, notice of which is hereby respectfully requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Amend claims 1, 5, 9, 12, 13, 14, and 16-20 as follows:

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1. (Twice Amended) A hand held fly swatter apparatus capable of being configured to capture insects alive from given surfaces to allow their subsequent disposal, the apparatus comprising:
- an elongate handle having a rear end intended to be grasped by a user, and a front end;
 - a rigid housing attached to the front end of the handle and defining an insect trap compartment having a large aperture through which an insect is placed within the insect trap compartment, the housing including an upper wall and interconnected side walls extending downwardly to define the compartment aperture, and track means positioned adjacent to an edge of the compartment aperture;
 - a planar closure member supported by the track means and slidable between a retracted position to permit access to the insect trap compartment through the compartment aperture, and an extended position wherein the closure member covers the compartment aperture, wherein the housing and the closure member, in its extended position, cooperatively provide a fly swatter;
 - means for slidably supporting a rear end portion of the closure member relative to the handle, including a rear slide [camp] clamp [means on] attached to the rear end portion of the closure member, having a central notch through which the handle slidably extends; and

means for limiting the extent of movement of the closure member between the retracted position and the extended position, including a bumper fixed to the handle to prevent rearward movement of the closure member beyond the retracted position.

2. An apparatus as set forth in claim 1, wherein the handle has a generally rectangular cross-sectional configuration and is constructed of a resiliently flexible material.

3. (Amended) An apparatus as set forth in claim 1, wherein the track means comprises two parallel channels which define two sides of the compartment aperture, wherein the channels are arranged to support a front end portion of the closure member throughout its range of motion between the retracted and extended positions.

4. Canceled

5. (Twice Amended) An apparatus as set forth in claim 1 wherein the closure member movement limiting means includes a [hosing] housing bumper enclosing a front end of the track means to prevent movement of the closure member beyond the front end of the compartment aperture as defined by the housing.

6. Canceled.

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7. An apparatus a set forth in claim 1, wherein the housing is generally transparent and the upper wall thereof includes a plurality of small apertures which allow air and water to pass but which are not large enough to permit a roach-sized insect to escape therethrough.

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8. (Amended) An apparatus as set forth in claim 1 wherein the housing includes a projection extending rearwardly from the insect trap compartment, which projection supports a portion of the track means designed to support a front end portion of the [mesh] closure member when [place] placed in its retracted position.

9. (Twice Amended) A dual purpose apparatus providing, alternatively, an insect trap and a fly swatter the apparatus comprising:

an elongate, resiliently flexible handle having a rear end intended to be grasped by a user, and a front end;

a rigid housing attached to the front end of the handle, the housing defining an insect trap compartment having a large aperture through which an insect is placed within the insect trap compartment, the housing further includes a projection extending rearwardly from the insect trap compartment, for supporting a front end portion of the slidable means when placed in its retracted position;

means slidable with respect to the handle and the housing in a plane between a retracted position and an extended position, for covering the insect trap compartment aperture in the extended position, and for uncovering said

compartment aperture in the retracted position to permit access to the insect trap compartment, wherein the slidable means, in the extended position, and the housing cooperatively provide a fly swatter;

wherein the slidable means comprises a planar closure member, and wherein the housing includes a [tract] track for the closure member, the track comprising two parallel channels which define two sides of the compartment aperture, wherein the channels are arranged to support a front end portion of the closure member throughout its range of motion between the retracted and extended positions; and

a rear slide clamp attached to a rear end portion of the [mesh] closure member, having a central notch through which the handle slidably extends, which provides means for slidably supporting the rear end portion of the closure member relative to the handle.

10. An apparatus as set forth in claim 9, wherein the housing includes an upper wall and interconnected side walls extending downwardly to define the compartment aperture.

11. Canceled

12. (Twice Amended) An apparatus as set forth in claim 9 wherein the housing is generally transparent and the upper wall thereof includes a plurality of small apertures which allow air and water to pass but which are not large enough to permit a roach-sized insect to escape therethrough.

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13. (Twice Amended) An apparatus as set forth in claim 9, including means for limiting the [extend] extent of movement of the closure member between the retracted position and the extended position, wherein the closure member movement limiting means includes a housing bumper enclosing a front end of the [tract] track to prevent movement of the closure member beyond a front end of the compartment aperture as defined by the housing, and a rear bumper fixed to the handle and designed to engage the rear slide clamp to prevent rearward movement of the closure member beyond the retracted position.

14. (Twice Amended) A hand held fly swatter apparatus capable of being configured to capture insects alive from given surfaces to allow their subsequent disposal, the apparatus comprising:

an [and] elongate, resiliently flexible handle of a generally rectangular cross-sectional configuration, having a rear end intended to be grasped by a user, and a front end;

a rigid, generally transparent housing attached to the compartment having a large aperture through which an [and] insect is placed within the insect trap compartment, the housing including an upper wall and interconnected side walls extending downwardly to define the compartment aperture, wherein the upper wall includes a plurality [fo] of small apertures which allow air and water to pass but which are not large enough to permit a roach-sized insect to escape therethrough, the housing further including a projection which extends rearwardly from a side wall adjacent to the handle;

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a track including two parallel channels which define two sides of the compartment aperture, wherein the track is supported by side walls and the rearward projection of the housing;

a planar closure member supported within the [tract] track and slidable between a retracted position to permit access to the insect trap compartment through the compartment aperture, and an extended position wherein the closure member covers the compartment aperture, wherein the housing and the closure member, in its extended position, cooperatively provide a fly swatter; and

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a rear slide clamp attached to a rear end portion of the closure member, having a central notch through which the handle slidably extends, for slidably supporting the rear end portion of the closure member relative to the handle.

15. (Amended) An apparatus as set forth in claim 14, including means for limiting the extent of movement of the closure member between the retracted position and the extended position.

16. (Twice Amended) An apparatus as set forth in claim 15, wherein the closure member movement limiting means includes a [housing] housing bumper enclosing a front end of the [tract] track to prevent movement of the closure member beyond a front end of the compartment aperture as defined by the housing, and a rear bumper affixed to the handle to prevent rearward movement of the closure member beyond the retracted position, the rear

bumper being so situated so as to position the front end portion of the closure member within the portion of the track supported by the rear [hosing] housing projection when the closure member is in its retracted position.

17. (Twice Amended) A hand held fly swatter apparatus capable of being configured to capture insects alive from given surfaces to allow their subsequent disposal, the apparatus comprising:

an [and] elongate handle having a rear end intended to be grasped by a user, and a front end;

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a rigid housing attached to the front end of the handle and defining an insect trap compartment having a large aperture through which an insect is placed within the insect trap compartment, the housing including an upper wall and interconnected side walls extending downwardly to define the compartment aperture, and a track positioned adjacent to an edge of the compartment aperture;

a frameless planar closure member supported within the track and slidable between a [retraced] retracted position to permit access to the insect trap compartment through the compartment aperture, and an extended position wherein the enclosure member covers the compartment aperture, wherein the housing and the closure member, in its extended position, cooperatively provide a fly swatter;

a projection extending rearwardly from the insect trap compartment, which projection supports a portion of the [tract] track designed to support a

front end portion of the closure member when placed in its retracted position[s];
and

a rear slide clamp attached to the rear end portion of the [mesh] closure member, having a central notch through which the handle slidably extends.

18. (Amended) An apparatus as set forth in claim 17, wherein the track comprises two parallel channels which define two sides of the [he] compartment aperture, wherein the channels are arranged to support a front end portion of the [mesh] closure member throughout its [is] range of motion between the retracted and extended positions.

19. (Amended) An apparatus as set forth in claim 17, including a housing bumper enclosing a front end of the [track] track to prevent movement of the closure member beyond the front end of the compartment aperture as defined by the housing, and a bumper fixed to the handle to prevent rearward movement of the closure member beyond the retracted position.

20. (Amended) A hand held fly swatter apparatus capable of being configured to capture insects alive from given surfaces to allow their subsequent disposal, the apparatus comprising:

an elongate handle having a rear end intended to be grasped by a user, and a front end;

a rigid housing attached to the front end of the handle and defining an insect trap compartment having a large aperture through which an insect is

placed within the insect trap compartment, the housing including an upper wall and interconnected side walls extending downwardly to define the compartment aperture, and track means positioned adjacent to an edge of the compartment aperture;

a planar closure member supported by the track means and slidable between a retracted position to permit access to the insect trap compartment through the compartment aperture, and an extended position wherein the closure member covers the compartment aperture, wherein the housing and the closure member, in its extended position, cooperatively provide a fly swatter; and

means for slidably supporting a rear end portion of the closure member relative to the handle, including a rear slide [camp] clamp [means on] attached to the rear end portion of the closure member, having a central notch through which the handle slidably extends;

wherein the housing includes a projection extending rearwardly from the insect trap compartment, which projection supports a portion of the track means designed to support a front end portion of the closure member when placed in it's retracted position.